

FILED

AUG 17 2015

**CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA**

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA**

IN THE MATTER OF

COURTHOUSE SECURITY AND THE
POSSESSION AND USE OF CAMERAS,
RECORDING DEVICES,
COMMUNICATION DEVICES, AND
COMPUTERS

ORDER

Public Administrative Order

No. 15 - AO - 5 - P

1. Applicability and Responsibility

This Order supersedes Administrative Orders M1-38 (July 25, 2003), 10-AO-3-P (March 4, 2010), 10-AO-3-N (May 27, 2010), 11-AO-1-P (April 4, 2011), and 11-AO-9-P (November 30, 2011), and is applicable to all courthouse facilities (hereinafter "courthouse") in the Southern District of Iowa, including the U.S. Courthouse in Des Moines and Annex, and the space in the federal buildings in Council Bluffs and Davenport occupied by the court or used for court activities. The U.S. Marshal has overall responsibility for implementation of this Order.

2. Screening and Inspection

a. Persons

All persons entering a courthouse are subject to reasonable inspection for weapons and prohibited items. Inspection will be by a security screening system using, initially, a magnetometer. If the magnetometer alarm is triggered, the person will be required to pass through a second time. If this is unsuccessful a hand-held metal detector will be used to determine the source of the alarm. If the hand-held metal detector does not determine the object causing the alarm and the person still seeks admission to the courthouse, a body pat-down solely for the purpose of detecting the presence of weapons may be conducted. No person who has activated the magnetometer will be allowed to enter the courthouse until the Court Security Officer (CSO) at the courthouse entrance is reasonably assured that the person is not carrying a weapon.

b. Mail, Parcels, Packages, Briefcases, Computers, Laptops, and Personal Belongings

All mail, parcels, packages, briefcases, computers, laptops, and personal belongings entering a courthouse will likewise be subject to reasonable inspection for weapons and prohibited items. Typically inspection will be by passing items through an x-ray machine. If x-ray inspection does not give the CSO assurance that the item does not contain a weapon or prohibited item, the CSO may require that the item be opened for visual inspection, provided, however, that in the case of mail the CSO will notify the addressee and the U.S. Marshal of the suspicious nature of any mail and retain the mail at the courthouse entrance until further directed.

c. Refusal to Submit to Inspection

Any person refusing to allow an inspection provided for in this Order will be denied entrance to the courthouse.

d. Federal Government Employees

Federal government employees possessing a valid agency photograph identification, whose workplace is in a courthouse or who enter a courthouse in the course of their duties are not subject to the routine security screening and inspection provisions in paragraphs 2.a and b. An exception to this rule is the front entrance to the U.S. Courthouse in Des Moines. All persons entering through the main entrance of this courthouse will be subject to full screening.

3. Prohibited Items

Subject to sections 4 and 5, below, the following items are prohibited in any courthouse or upon any courthouse grounds:

- a. firearms, explosive devices, knives, regardless of the length of the blade, and other dangerous weapons as defined in 18 U.S.C. 930.g.2;
- b. cameras, recording devices, cell phones, computers, laptops, and any equipment that may be used to make audio or video recordings.

c. The term "courthouse grounds" includes the following:

- i. All property owned, leased or used by the federal government appurtenant to any facility utilized for federal court proceedings within the Southern District of Iowa.
- ii. Property used from time to time by the federal court for the purposes of conducting federal court proceedings on the days that such court proceedings take place.
- iii. All other grounds, including, but not limited to the walkways, steps, courtyards, plazas, and parking lots of these courthouses.

Prohibited items which are lawful to possess will be returned to the person with instructions to remove them from courthouse property. Items which are not lawful to possess, or which are not lawful to possess on federal property, will be handled as deemed appropriate in the law enforcement judgment of the CSOs and U.S. Marshal.

4. Exceptions

a. Authorization by Judge

When authorized by a judicial officer, the devices identified in paragraph 3.b are allowed in the courthouse and may be used in the courthouse and its environs for ceremonial proceedings and educational seminars.

b. Authorization by Agency

When authorized by an agency that has offices located in a courthouse (collectively the agency), attorneys, media, or others having business with an agency may enter the courthouse with audio, film, or video recording equipment solely for use in the offices of the agency authorizing such devices. Upon arrival the CSOs will inform the visitor that the devices may only be used in the offices of the agency, and that recording or transmitting of court proceedings is strictly prohibited. The CSO will then notify the agency that the visitor has arrived, and the agency is responsible for escorting the visitor to the agency's offices. The agency concerned is responsible for ensuring that the devices are used only in the agency's offices and not in any courtroom or its

environs as defined in Local Rule 83.4.c.

c. Repair Persons and Contractors

Except for firearms and explosive devices, which are strictly prohibited, repair persons and contractors and their employees may enter a courthouse with such tools, and cellular telephones, as reasonably necessary to perform their work. Tools will be inspected as in the case of other items entering the courthouse and if the tools include an item which would otherwise be prohibited the CSOs will contact the agency for whom the repair person or contractor is performing work to verify the person's status. Unless pre-cleared by the Marshals Service, the person will not be allowed past the entrance until a representative of the agency appears to escort the person to the work area. The CSOs will advise the person that any tools which would otherwise be prohibited are restricted to the area where work will be performed.

d. Federal Government Employees

- i. Paragraph 3.b does not apply to federal government employees as defined in paragraph 2.d.
- ii. Notwithstanding paragraph 3.a, judges and courthouse tenants may possess knives for use in the preparation of food on courthouse grounds.

e. Bar Members, Staff, Law Enforcement Officers, and Jurors

Members of the Bar of the Southern District of Iowa, attorneys admitted *pro hac vice*, employees of Members of the Bar, LEOs, and seated jurors are allowed to bring cell phones, computers, and other communication devices into the courthouse, as needed for the individual functions each performs while present for court business. Any electronic devices in courtrooms must be disabled from making audible sound.

5. Possession and Carrying of Firearms by Law Enforcement Officers (LEOs)

- a. Only U.S. Marshals and CSOs may carry firearms in the U.S. Courthouses located in the Southern District of Iowa, as permitted by agency regulations which govern their

activities. Other LEOs may not carry a firearm in the U.S. Courthouses located in the Southern District of Iowa, except under the following circumstances:

- (1) When transporting a prisoner;
- (2) When transporting firearms which are needed as evidence in a court proceeding in accordance with LCrR 57.3.h, and then only after the firearm has been disabled and inspected by the U.S. Marshals Service;
- (3) When entering or remaining in a courthouse after hours, or at any time the courthouse is not open for business, and in these circumstances firearms must be promptly secured in a gun locker within the offices of a building tenant; or
- (4) When entering the courthouse to perform law enforcement activities in response to an emergency.

When an LEO enters the U.S. Courthouse with a firearm, the CSO shall inform the LEO of the policy against firearms in the courthouse and direct the LEO to the gun lockers provided near all main public entrances. The LEO will store the LEO's firearm in the gun locker until the LEO leaves the courthouse. The CSO will verify that the LEO's firearm has been secured. If an LEO is escorted through a door other than the main entrance, the person accompanying the LEO shall inform the LEO of the policy against firearms in the U.S. Courthouse and direct the LEO to the CSOs to secure the firearm.

- b. To enforce this Order, LEOs will normally be required to enter the courthouse through one of the public entrances. In consultation with the U.S. Attorney's Office, the U.S. Marshals Service may allow LEOs temporary access through non-public entrances using the access control system.

6. Local Rule 83.4

Local Rule 83.4 governs the use of audio and video recording, radio, television, photography, communication devices, and computers in courthouses. A copy of the rule shall be available at the public entrance to all courthouses upon request.

7. Modification by Judicial Officer and Revised by Court Security Committee

The rules and procedures outlined above are subject to exception or modification by a judicial officer in specific circumstances and may be revised or modified by the Court Security Committee.

IT IS SO ORDERED.

DATED this 17 day of August, 2015.


JOHN A. JARVEY, Chief Judge
United States District Court
Southern District of Iowa